

REMARKS

Review and reconsideration on the merits are requested.

Applicants appreciate the Examiner acknowledging receipt of a certified copy of the priority document and returning initialed form PTO-SB/08.

Applicants now address the Action on the merits.

Paragraph 1

With respect to the rejection of claims 1-10 under 35 U.S.C. § 112, second paragraph, as being indefinite and containing periods in the middle of claims 1-3, the periods are deleted.

Prior art considered:

Prior art considered: Publication 2003/0211430 A1 Ikeda et al (Ikeda); U.S. Patent 6,6589,723 B2 Yamanouchi et al (Yamanouchi); Japanese Publication 2002-255,921 (JP '921), insofar as it is relevant to Paragraph 5 of the Action.

Prior Art Rejections

Overviewing the rejections, claims 1-10 are rejected under 35 U.S.C. § 102(e) as anticipated by Ikeda, the Examiner referring to Formula A of the claims.

Claims 1-4 and 8-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by Yamanouchi, the Examiner referring to Formula B of the claims.

Claims 1-4 and 8-10 are also rejected under 35 U.S.C. § 102(a) as anticipated by Yamanouchi, the Examiner referring to Formula B of the claims.

Claims 1-4 and 8-10 are finally rejected under 35 U.S.C. § 102(b) as being anticipated by JP '921 which would correspond to Yamanouchi and which, accordingly, would be relevant to

Formula B of the claims following the reasoning of the Examiner in Paragraph 3 of the Action regarding U.S. Yamanouchi.

Applicants basically respond as follows:

With respect to Ikeda, relevant to Formula A, they submit herewith a certified translation of the present applications' priority document; (the priority date is September 30, 2002) whereas Ikeda is entitled to a date under 35 U.S.C. § 102(e) of October 2, 2002, thereby avoiding Ikeda.

Support is later discussed.

With respect to the rejections over Yamanouchi and JP '921, Paragraphs 3, 4 and 5 of the Action, Yamanouchi is only relied upon as relevant against Formula B.

Applicants respond by canceling Formula B therefrom the claims.

Support in the Certified Translation

Claims 1-4 herein parallel claim 1 in the certified translation. It is submitted that Formula (1) given at the bottom of page 2 of the certified translation reasonably supports the 70% limitation in claim 1; see also page 48 of the certified translation, paragraphs [0102] and [0103].

For claims 8-10, see claim 2 of the certified translation.

It is believed that Applicants have avoided all rejections, and withdrawal of all rejections and allowance is requested.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 10/671,410

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter D. Olexy", is written over a horizontal line.

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